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8                   **UNITED STATES DISTRICT COURT**  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA  
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10 In the Matter of

11                   **HELIO ROCHA-GOMES**  
(DHS # A79-811-140)

Case No. MC07-5014FDB

12                   **ORDER GRANTING**  
**EMERGENCY EX PARTE MOTION**  
**TO PROVIDE INVOLUNTARY**  
**MEDICAL CARE, NUTRITION**  
**AND HYDRATION FOR INMATE**

14                   The Department of Homeland Security, U.S. Immigration and Customs Enforcement  
15 ("ICE") having filed an ex parte motion for an order permitting it to pursue involuntary  
16 medication, feeding and hydration of Helio Rocha-Gomes, DHS # A79-811-140, who is  
17 currently incarcerated as a civil detainee at the ICE Northwest Detention Center in Tacoma,  
18 Washington; and the Court having reviewed the Declaration of Philip Farabaugh, M.D., and the  
19 ICE incident report filed with the motion; and the Court finding that there is sufficient cause to  
20 believe that without the requested medical testing and treatment, Mr. Rocha is in danger of  
21 irreparable injury, and possible death; and the Court concluding that ICE has an affirmative duty  
22 to care for and treat inmates in its custody; and the Court concluding it has inherent authority to  
23 issue an Order permitting ICE to carry out its affirmative duty, which includes provision of  
24 involuntary medication and forced feeding and hydration through a nasogastric tube or  
25 intravenously,

26                   IT IS HEREBY ORDERED that ICE may undertake the necessary medical procedures and  
27 provide involuntary medication, nutrition and hydration described herein and in the moving  
28 papers.

1 IT IS FURTHER ORDERED that ICE provide a copy of this Order to Mr. Rocha forthwith. IT  
2 IS FURTHER ORDERED that the Clerk send a copy of this Order to counsel of record.

3 DATED this 25<sup>th</sup> day of May, 2007.  
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9 FRANKLIN D. BURGESS  
10 UNITED STATES DISTRICT JUDGE

11 Presented by:

12 JEFFREY C. SULLIVAN  
13 United States Attorney  
14 Western District of Washington  
by

15 /s/ Christopher L. Pickrell  
16 CHRISTOPHER L. PICKRELL  
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